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General Assembly

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Sixty-sixth session
Agenda items 64 and 134

Report of the Human Rights Council

Proposed programme budget for the biennium 2012-2013

Financing of unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council

Report of the Secretary-General

Summary

In the context of its review of the work and functioning of the Human Rights Council after its five years in existence, the General Assembly recognized, in paragraph 9 of its resolution 65/281, the need to provide adequate financing to fund unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council. In that resolution, the Assembly requested the Secretary-General to present a report with options for consideration by the Fifth Committee at the main part of the sixty-sixth session of the Assembly to address this issue. The present report outlines three possible options for consideration by the Assembly in this regard. It is recommended that the General Assembly endorse the appropriate option to enable the Secretary-General to proceed, preferably from 1 January 2012.

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I. Introduction

1. In paragraph 9 of its resolution 65/281 of 17 June 2011 on the review of the Human Rights Council, the General Assembly recognized the need to provide adequate financing to fund unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council, and in that regard requested the Secretary-General to present a report with options for consideration by the Fifth Committee at the main part of the sixty-sixth session of the Assembly, taking into account the relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions.

2. The relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions referred to by the General Assembly are as follows:

(a) In its report of 14 December 2007 (A/62/7/Add.25, para. 25), the Advisory Committee pointed out that the purpose of the provision for unforeseen and extraordinary expenses was to deal with expenditures for which no provision had been made in the approved regular budget. If, on the basis of the practice of the last two bienniums, there was recurrent need for special missions in the area of human rights, then, in the interest of budgetary transparency, consideration should be given to including a provision for such requirements in both the budget outline and the proposed programme budget, akin to that used for special political missions. Those conclusions and recommendations were endorsed by the General Assembly in its section VI of its resolution 62/238;

(b) In its report of 18 December 2008 (A/63/629, paras. 10 and 20), the Advisory Committee recommended that the modalities for consideration of the financial requirements arising from resolutions and decisions of the Human Rights Council be maintained on an annual basis, and any appropriations as might be necessary would be requested in the context of the consolidated statement of programme budget implications and revised estimates relating to the use of the contingency fund. Those conclusions and recommendations were endorsed by the General Assembly in section V of its resolution 63/263;

(c) In its report of 29 November 2010 (A/65/548/Add.1, para. 8), the Advisory Committee stated that it was cognizant of the time lag between adoption of Human Rights Council resolutions and decisions and the subsequent ex post facto approval by the General Assembly of the related resource requirements and recommended that the Secretary-General give consideration to exploring options aimed at streamlining and synchronizing the resource requests related to the resolutions and decisions of the Human Rights Council with the resources requested in relation to the biennial proposed programme budget of the Secretariat. Those conclusions and recommendations were endorsed by the General Assembly in section IX of its resolution 65/259;

(d) In its first report on the proposed programme budget for the biennium 2012-2013 (A/66/7, para. VI.7), the Advisory Committee stated that it looked forward to the results of the review by the General Assembly of the status of the Human Rights Council and trusted that the proposals stemming from that review of the issue of funding for new requirements would contain measures to ensure the most efficient and effective utilization of the existing resources of the Office.

3. It was anticipated that, in the course of the five-year review of the Human Rights Council conducted in 2011 in accordance with paragraph 16 of General Assembly resolution 60/251, the financial mechanism could be created, establishing interrelation between and guidelines for dealing with the requirements resulting from the resolutions and decisions of the Council, including financing the policymaking organs, further treatment of perennial activities, funding of the universal periodic review and, especially, financing of unforeseen and extraordinary expenses. The General Assembly, in its resolution 65/281, requested the Secretary-General to present options on funding unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council. The present report is submitted in response to that request.

II. Current procedures for financing unforeseen and extraordinary expenses

4. The current procedures for meeting expenses to implement unforeseen activities are intended to enable the Secretary-General to incur expenditures of an urgent nature, under certain conditions, without immediately reverting to the General Assembly on the matter. Unforeseen activities may be classified in five categories: (a) upon certification by the Secretary-General that the activities, to be undertaken on his own initiative, relate to peace and security; (b) for implementation of decisions of the Security Council for activities related to peace and security other than peacekeeping; (c) for implementation of immediate requirements of the start-up activities for a peacekeeping operation established by the Security Council; (d) unforeseen activities not related to peace and security; and (e) unforeseen activities approved by the General Assembly as described in detail below.

A. Unforeseen activities upon certification that they relate to peace and security

5. Under paragraph 1 (a) of the General Assembly resolutions on unforeseen and extraordinary expenditures (the most recent one is resolution 64/246), the Secretary-General is authorized to enter into commitments, without the prior concurrence of the Advisory Committee, of up to $8 million per year for activities certified by him as relating to the maintenance of peace and security. Such activities, occurring on an ad hoc basis throughout the year, are primarily based on the Secretary-General's own initiatives. This commitment authority has been used principally for the appointment of special envoys for peacemaking activities, fact-finding and advisory missions. The Secretary-General informs the Security Council of the appointment of such envoys and missions.

6. In accordance with paragraph 11 of annex I to General Assembly resolution 41/213 of 19 December 1986 and paragraph 6 of resolution 56/233 B of 27 June 2002, such a procedure is also used for unforeseen additional requirements for special political missions, while a predictable recurrent provision for missions related to peace and security expected to be extended or approved during the course of the biennium is made in the budget outline and also included in the proposed programme budget in accordance with General Assembly resolution 53/206.

B. Decisions by the Security Council regarding activities related to peace and security other than peacekeeping

7. When the Security Council decides on activities related to peace and security other than peacekeeping, the Secretary-General seeks the concurrence of the Advisory Committee, under the General Assembly resolution on unforeseen and extraordinary expenses, to enter into commitments for start-up activities prior to the preparation and submission of a budget for approval by the General Assembly. The Advisory Committee, on a case-by-case basis, is requested to concur with the Secretary-General's request to enter into commitments of up to $10 million per Council decision. If, however, the nature of the start-up requirements of such activities is so urgent that the Secretary-General is unable within the time constraints to make a presentation and seek the concurrence of the Advisory Committee, the Secretary-General's own commitment authority, under paragraph 1 (a) of the resolution on unforeseen and extraordinary expenses, is exercised, provided the requirements can be met from the balance remaining of the $8 million per year.

C. Decisions by the Security Council for peacekeeping operations

8. Pursuant to section IV of General Assembly resolution 49/233 A of 23 December 1994, the Secretary-General may, with the prior concurrence of the Advisory Committee, enter into commitments of up to $50 million for each decision of the Security Council for the start-up or expansion requirements of a peacekeeping operation, pending the preparation of a full budget for review and approval of the budget by the Assembly. This arrangement is funded from the Peacekeeping Reserve Fund, initially established by the General Assembly in resolution 47/217 of 23 December 1992 in the amount of $150 million. Where requirements exceed $50 million, or several "commitment authorities" combined total more than $150 million at any one time, the approval of the General Assembly is required.

D. Other activities not related to peace and security

9. In cases where unforeseen activities are not related to peace and security, the Secretary-General is authorized, with the prior concurrence of the Advisory Committee, in accordance with paragraph 1 of the resolutions on unforeseen and extraordinary expenses (the latest resolution is 64/246), to enter into commitments for expenditures for which provision has not been included in the approved programme budget and for which the Secretary-General cannot await the approval of the Assembly. The request for concurrence of the Advisory Committee sets out the justification for incurring such expenditures (which have included those related to decisions of the Economic and Social Council) and for not deferring them to the following year.

E. Decisions by the General Assembly on unforeseen activities

10. In those cases when a Main Committee of the General Assembly adopts a resolution to implement unforeseen activities, a statement of the programme budget implications of that decision is presented by the Secretary-General if those activities

cannot be met through existing resources. Since the Assembly at the same session can take a decision on the funding of those additional activities in the context of the contingency fund, the question of financial authority through other means normally does not arise.

11. The Secretary-General's own authority, up to a total of $8 million per year, is currently utilized as described in subsections A and B above. All commitments made under the provisions of the resolution on unforeseen and extraordinary expenses of activities shall be reported to the Advisory Committee and the General Assembly on supplementary estimates. Actual requirements in respect of activities relating to the maintenance of peace and security are reported to the Assembly in the context of the annual budget performance reports.

III. Background

12. In its resolution 60/251, the General Assembly decided to establish the Human Rights Council, in replacement of the Commission on Human Rights, as a subsidiary organ of the General Assembly. While it was stated, in rule 1 of its rules of procedure, that the Council should apply the rules of procedure established for the Main Committees of the General Assembly, no specific funding mechanism has been established, especially for the procedure for funding unforeseen and extraordinary expenses arising from resolutions and decisions of the Council.

A. Arrangements for financing activities resulting from resolutions and decisions of the Commission on Human Rights

13. It was initially considered that the procedure for handling the reports of the Human Rights Council and the related financial requirements would be similar to that of the Council's predecessor, the Commission on Human Rights, i.e., that for functional commissions of the Economic and Social Council. In accordance with that procedure, the report of the Commission on Human Rights, containing an annex of the related programme budget implications statements, was submitted to the Economic and Social Council. Once adopted by that Council, revised estimates resulting from the decisions of the Commission on Human Rights were submitted to the General Assembly in the context of revised estimates resulting from resolutions and decisions of the Economic and Social Council.

14. Prior to the adoption of General Assembly resolution 41/213, resources for human rights activities, whose mandates had been renewed annually, were considered non-recurrent and were not carried over to the next biennium, and every year when the Economic and Social Council adopted mandates on the report of the Commission on Human Rights, statements of programme budget implications would be issued and the resources needed to implement the mandates were then sought, for each particular mandate, under the terms of the resolution on unforeseen and extraordinary expenses for the biennium concerned.

15. In accordance with paragraph 7 of annex I to General Assembly resolution 41/213, efforts had been made to include provisions in the proposed programme budgets for all reasonably predictable requirements so as to reduce to a minimum the need to present additional requirements through revised estimates or statements

of programme budget implications and to ensure the expedient implementation of the decisions of the Commission on Human Rights. Expenditures related to activities of a "perennial" character whose mandates had been renewed or extended for a one-year or three-year period have been included in the proposed programme budgets under the respective budget section for human rights. The related conference-servicing requirements for meetings of the Human Rights Council, its subsidiary machinery and processing of the documents, requested in resolutions and decisions of the Council, had been included under the budget section for General Assembly and Economic and Social Council Affairs and conference management, and the budget section for Administration, Geneva. The additional expenditures derived from legislative mandates not provided for in the proposed programme budget were sought, on an annual basis, in the context of the contingency fund relating to the biennium. Unforeseen and extraordinary requirements resulting from rare special sessions of the Commission on Human Rights were reported to the following session of the Economic and Social Council and then to the Advisory Committee on Administrative and Budgetary Questions for its related concurrence for a commitment authority under the resolution on unforeseen and extraordinary expenses. The respective appropriation was sought from the closest session of the General Assembly in the context of the contingency fund.

B. Current arrangements for financing activities resulting from resolutions and decisions of the Human Rights Council

16. The periodicity of the annual and special sessions of the Human Rights Council has been much more frequent than that of the sessions of the Commission on Human Rights. Since its inception in June 2006 to date, the Human Rights Council has held 17 special sessions in addition to its three regular annual sessions. Many of those special sessions have resulted in the establishment of fact-finding missions or independent commissions of inquiry, tasked with investigative powers to assess a critical human rights situation on an urgent basis. Three such missions were mandated by the Human Rights Council during the biennium 2006-2007, including one for Lebanon and two for Darfur. A fourth independent commission of inquiry was established by the Secretary-General on the invitation of the President of Timor-Leste, bringing the total costs for the biennium to $1.9 million. During the biennium 2008-2009, two major operations of this nature were conducted, in the Occupied Palestinian Territory and in Guinea, costing some $800,000. In the biennium 2010-2011, seven such operations have been conducted, including three in the Occupied Palestinian Territory during 2010, at a cost of approximately $675,000. To date in 2011, four further commissions of inquiry and/or fact-finding missions have been mandated by resolutions of the Human Rights Council, to assess the situation of human rights in the Libyan Arab Jamahiriya, in Côte d'Ivoire and in the Syrian Arab Republic (Human Rights Council resolutions S-15/1 and 17/17; 16/25; and S-16/1 and S-17/1, respectively), for which costs have been estimated at a total of more than $4 million.

17. As shown in the table below, unforeseen expenses for commissions of inquiry and fact-finding missions in the area of human rights, financed under the regular budget, are expected to reach a peak of more than $4 million in the biennium 2010-2011.

Table

Unforeseen and extraordinary expenses for human rights activities for the period 2006-2011 and estimated known requirements for the biennium 2012-2013

Activity	*United States dollars*
Independent Special Commission of Inquiry for Timor-Leste	937 451
High-level Commission of Inquiry on Lebanon	500 146
High-level mission concerning the situation of human rights in Darfur	206 197
Situation of human rights in Darfur	261 600
Total, 2006-2007	**1 905 394**
Situation of human rights in Myanmar and follow-up	46 700
Human rights situation in the Occupied Palestinian Territory: follow-up to Human Rights Council resolutions S-1/1 and S-3/1	51 064
International Commission of Inquiry for Guinea	363 464
The grave violations of human rights in the Occupied Palestinian Territory (Goldstone Report)	369 092
Total, 2008-2009	**830 320**
Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict (Human Rights Council resolution 13/9)	214 988
Fact-Finding Mission on the Israeli attack on the humanitarian boat convoy (Human Rights Council resolution 14/1)	341 632
Follow-up to the report of the Independent International Fact-Finding Mission on the incident of the humanitarian flotilla (Human Rights Council resolution 15/1)	118 000
Commission of Inquiry on the Libyan Arab Jamahiriya (Human Rights Council resolution S-15/1)	635 292
Commission of Inquiry on Côte d'Ivoire (Human Rights Council resolution 16/25)	365 056
Fact-Finding Mission to the Syrian Arab Republic (Human Rights Council resolution S-16/1)	236 340
Commission of Inquiry on Libya 2 (estimated) (Human Rights Council resolution 17/17)	1 275 942
Commission of Inquiry on the Syrian Arab Republic (estimated) (Human Rights Council resolution S-17/1)	885 896
Total, 2010-2011*	**4 073 146**
Commission of Inquiry on Libya 2 (estimated) (Human Rights Council resolution 17/17)	230 700
Commission of Inquiry on the Syrian Arab Republic (estimated) (Human Rights Council resolution S-17/1)	575 511
Total, 2012-2013*	**806 211**

* As at 31 October 2011.

18. As these operations have required urgent implementation, for instance, requesting the United Nations High Commissioner for Human Rights and/or the

Secretary-General to appoint and dispatch an urgent mission for a time-bound period as defined in the relevant Human Rights Council resolution, it has not always been possible to seek the concurrence of the Advisory Committee for commitment authority under provisions of the respective General Assembly resolutions on unforeseen and extraordinary expenses or to wait for the approval of the Assembly in its normal annual review of budgetary matters, in particular, resolutions of the Council on the commissions of inquiry and fact-finding missions undertaken in 2010-2011 (see the table above).

19. Accordingly, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has resorted to all available sources of funding for the quick start, continuation and completion of the activities of independent commissions of inquiry and/or fact-finding missions, resulting from resolutions or decisions of the Human Rights Council. This has typically required temporary redeployment of existing regular budget resources allocated for other activities. Given numerous missions mandated in 2011 (see the table above), the existing uncommitted regular budget resources were insufficient and thus the Office had no option but to draw, on an exceptional basis, upon extrabudgetary resources, using its small extrabudgetary "contingency fund" maintained through voluntary contributions for rapid response activities that the High Commissioner deems necessary. Those funds were temporarily advanced to support the urgent missions, pending approval by the General Assembly of additional resources in the context of its consideration of the revised estimates resulting from resolutions and decisions of the Human Rights Council.

20. As indicated in paragraph 31 of the annex to General Assembly resolution 65/281, financing of special procedure activities is supposed to be achieved through the regular budget. While respective proposals were made by the Secretary-General, in his reports contained in documents A/62/125 and A/63/541, on inclusion in paragraph 1 of the resolution on unforeseen and extraordinary expenses of a provision authorizing the Secretary-General to enter into commitments of up to $2 million during the biennium, the General Assembly did not act on those proposals and the matter was set aside for further review, on the basis of additional experience gained, in the context of the review of the Human Rights Council.

21. The General Assembly confirmed, in section V of its resolution 63/263, that revised estimates resulting from resolutions and decisions adopted by the Human Rights Council should be consolidated and presented in a single annual report, so as to avoid any "piecemeal" review of budgetary issues. As a result, the Advisory Committee's and the General Assembly's review of the resource requirements for the urgent human rights procedures has been, for the most part, ex post facto, and redeployment of resources within the approved appropriation has been made subsequently to account for the already committed resources. Thus, OHCHR has to implement decisions of the Human Rights Council, requesting that urgent human rights missions with sizeable financial implications be conducted.

IV. Options for urgent provision of funds

22. In order to ensure availability of funds for implementation of the urgent human rights activities resulting from the resolutions and decisions of the Human Rights Council within the established procedures and to maintain full transparency and accountability, the following options are proposed.

A. Including a provision for special missions in the area of human rights in the proposed programme budget

23. This option suggests the inclusion of a provision for financing urgent independent commissions of inquiry and/or fact-finding missions, resulting from resolutions and decisions of the Human Rights Council, in both the budget outline and the proposed programme budget in accordance with paragraph 7 of annex I to General Assembly resolution 41/213 similar to that used for special political missions. This arrangement would require an additional appropriation of $2 million under section 24 (Human rights) of the proposed programme budget for the biennium 2012-2013 (A/66/6 (Sect. 24)). In addition to the existing resources for human rights "perennial" activities, whose mandates are renewed annually or triannually, this provision would be utilized to support all expenditures expected, on the basis of the experience of previous bienniums, to be extended or approved, in the course of the biennium, for special human rights missions resulting from decisions of the Human Rights Council and the Security Council, in accordance with clear guidelines to be established by the General Assembly for the use of that provision.

24. Under this option, actual expenditures and the balances remaining for the forthcoming year to finance special human rights missions that are accommodated under these arrangements would be reported annually in the context of the budget performance reports. Should the urgent additional requirements for special human rights missions exceed the approved biennial provision, the Secretary-General may seek recourse to the provisions of the General Assembly resolution on unforeseen and extraordinary expenses.

25. Clear guidance will be required in respect of the criteria for use of this provision defining clear terms of reference and conditions for financing the additional requirements, i.e., whether an urgent additional requirement should result from the resolution of the Human Rights Council and/or the Security Council and be certified by the High Commissioner for Human Rights.

B. Establishment of a reserve fund for special human rights missions

26. This option presumes the establishment, through additional assessments, of a reserve fund in the amount of $2 million per biennium for financing new urgent independent commissions of inquiry and/or fact-finding missions in the area of human rights, resulting from resolutions or decisions of the Human Rights Council and/or the Security Council, or for the expansion, extension or follow-up to existing missions. Resources committed under this arrangement would be replenished to the fund annually through an additional appropriation sought from the General Assembly in the context of its consideration of the consolidated statement of the contingency fund in accordance with Assembly resolutions 41/213 and 42/211 or in the context of the budget performance reports. Appropriately, detailed guidance for the use of this fund would be required from the Advisory Committee and the General Assembly, specifying the circumstances under which the funds could be committed, released and reported to the Assembly in the context of the existing schedule of reporting for the regular budget for the biennium.

C. Access to resources under the General Assembly resolution on unforeseen and extraordinary expenses

27. This option presumes an access to immediate funding for urgent activities resulting from resolutions of the Human Rights Council under paragraph 1 (a) of the General Assembly resolutions on unforeseen and extraordinary expenses (the latest resolution is 64/246), which authorizes the Secretary-General to enter into such commitments not exceeding a total of $8 million in any one year of the biennium 2010-2011 as the Secretary-General certifies relate to the maintenance of peace and security. The terms of the resolution on unforeseen and extraordinary expenses could be amended to include providing a commitment authority also for urgent requirements in the area of human rights, within a specified limit, on the same basis as for the maintenance of peace and security. That would enable immediate access to appropriate funding within approved parameters and with clear reporting requirements. It could be done either by including under paragraph 1 of the General Assembly resolution on unforeseen and extraordinary expenses a separate subparagraph for activities mandated by the Human Rights Council with a limit of $2 million for a biennium, or by increasing the existing limit of $8 million in paragraph 1 (a) by $1 million, i.e., to $9 million in any one year and adding the words "and for urgent commitments in the area of human rights" after the words "peace and security".

V. Conclusions and recommendations

28. **As regular budget resources to finance unforeseen and extraordinary expenses in the area of human rights cannot be secured on a timely and sustainable basis without a specific mechanism to ensure their prompt availability within the relevant United Nations regulations and procedures, the General Assembly is requested to make a decision on the most appropriate option presented in this report.**

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Report of the Human Rights Council

Proposed programme budget for the biennium 2012-2013

Financing of unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council

Report of the Secretary-General

Corrigendum

Paragraph 2 (c)

The second sentence *should read*

In section IX of its resolution 65/259, the General Assembly took note of paragraph 8 of the report of the Advisory Committee.

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General Assembly

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Sixty-sixth session
Agenda item 75
Report of the International Criminal Court

Letter dated 12 July 2011 from the Secretary-General addressed to the President of the General Assembly

In accordance with article 3 of the Relationship Agreement between the United Nations and the International Criminal Court, I have the honour to convey the attached note verbale dated 30 June 2011 from the Registrar of the Court (see annex) regarding voluntary contributions in respect of the situation in Libya referred to the International Criminal Court pursuant to Security Council resolution 1970 (2011).

I should be most grateful if you would bring the present letter and its attachment to the attention of the members of the General Assembly.

(*Signed*) **BAN** Ki-moon

11-59471 (E) 211111

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Annex

Note verbale dated 30 June 2011 from the Registrar of the International Criminal Court addressed to the President of the General Assembly

The Registrar of the International Criminal Court presents her compliments to the President of the General Assembly and has the honour to refer to Security Council resolution 1970 (2011), whereby the Council decided to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court. In paragraph 8 of the same resolution, the Council "recognizes that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily".

The Registrar recalls that since the adoption of resolution 1970 (2011), the Prosecutor of the International Criminal Court decided to open an investigation into the situation in the Libyan Arab Jamahiriya and, on 16 May 2011, requested the Pre-Trial Chamber to issue warrants of arrest against Muammar Gaddafi, Saif al-Islam Gaddafi and Abdullah El-Senussi. The Pre-Trial Chamber has granted the Prosecutor's request and arrest warrants have now been issued.

The Registrar notes that the International Criminal Court has incurred, and is likely to continue incurring, substantial costs in relation to the situation in the Libyan Arab Jamahiriya. The Registrar is mindful that budgetary matters are within the purview of the General Assembly, and as such would call upon all States in the Assembly to consider making voluntarily contributions to the International Criminal Court, in line with paragraph 8 of Security Council resolution 1970 (2011). The Registrar has opened a special trust fund to accept voluntary contributions to cover expenses exclusively related to the situation in the Libyan Arab Jamahiriya and account details will be made available to any interested State.

In addition, the Registrar would note that pursuant to article 115 (b) of the Rome Statute, the United Nations may provide funds to the International Criminal Court, with the approval of the General Assembly, inter alia in respect of expenses incurred owing to referrals by the Security Council. Pursuant to article 13 (1) of the Relationship Agreement between the International Criminal Court and the United Nations, such funds would be provided through special arrangements made between the International Criminal Court and the United Nations. The Registrar is commencing discussions with the United Nations in respect of setting up such arrangements, so that in the future the United Nations may provide funds to the International Criminal Court in this way in respect of referrals by the Security Council.

The Registrar of the International Criminal Court would respectfully request the President of the General Assembly to share the present note verbale with all members of the General Assembly, and she makes herself available to any Member State for consultations.

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Sixty-sixth session
Agenda item 155
Financing of the United Nations Mission in Ethiopia and Eritrea

Final performance report of the United Nations Mission in Ethiopia and Eritrea

Report of the Secretary-General

Summary

The final performance report of the United Nations Mission in Ethiopia and Eritrea (UNMEE) includes information on the assets, outstanding liabilities and fund balance as at 30 June 2011 in respect of UNMEE, summarized as follows:

(Thousands of United States dollars)

Cash assets	13 646.0
Less: liabilities	4 705.0
Cash available	**8 941.0**
Uncollected assessments and other receivables[a]	2 093.0
Fund balance	**11 034.0**

[a] Inclusive of $2,042,000 in assessed contributions receivable from Member States.

The report also provides information on UNMEE income and expenditure.

The action to be taken by the General Assembly is set out in section III of the report.

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I. Introduction

1. The mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE) was established by the Security Council in its resolution 1312 (2000). By its resolution 1827 (2008), the Council decided to terminate the mandate of UNMEE effective 31 July 2008.

Administrative liquidation

2. UNMEE liquidation activities, including the disposal of assets, were carried out during the period from 1 August 2008 to 10 March 2009.

Disposition of assets

3. Information on the final disposition of the assets of UNMEE was contained in the report of the Secretary-General dated 30 December 2010 (A/65/678). The General Assembly took note of the report in its resolution 65/298.

II. Financial performance

4. As shown in table 1 below, income to UNMEE totalled $1,555,559,000, derived from assessed contributions ($1,530,833,000), interest income ($19,016,000) and other/miscellaneous income ($5,710,000). The total amount of assessed contributions was fully appropriated by the General Assembly for the operation and maintenance of UNMEE.

5. Expenditure for the period from 31 July 2000 to 30 June 2011 amounted to $1,406,680,000, and was partially offset by the amount of $62,119,000 relating to the cancellation of prior-period obligations, resulting in net expenditure of $1,344,561,000. The unencumbered balance realized by UNMEE amounted to $210,998,000, while credits returned to Member States amounted to $199,964,000. As at 30 June 2011, the fund balance amounted to $11,034,000.

Table 1
Income, expenditure and fund balance for the period from inception (31 July 2000) to 30 June 2011

(Thousands of United States dollars)

Income	
Assessed contributions	1 530 833.0
Interest income	19 016.0
Other/miscellaneous income	5 710.0
Total income	**1 555 559.0**
Expenditure	
Expenditure[a]	1 406 680.0
Cancellation of prior-period obligations	(62 119.0)
Net expenditure	**1 344 561.0**

Unencumbered balance	210 998.0
Credits returned to Member States	(199 964.0)
Fund balance	**11 034.0**

[a] Inclusive of prior-period adjustments in the amount of $177,000 and end-of-service liabilities in the amount of $5,000.

6. Information on UNMEE cash assets, liabilities and fund balance as at 30 June 2011 is shown in table 2 below.

Table 2
Cash assets, liabilities and fund balance as at 30 June 2011
(Thousands of United States dollars)

Cash assets	13 646.0
Less: liabilities	4 705.0
Cash available	**8 941.0**
Uncollected assessments and other receivables[a]	2 093.0
Net assets	**11 034.0**
Fund balance	**11 034.0**

[a] Inclusive of $2,042,000 in assessed contributions receivable from Member States.

III. Action to be taken by the General Assembly

7. The Secretary-General proposes that the cash balance of $8,941,000 available in the UNMEE special account as at 30 June 2011 be credited to Member States.

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Sixty-sixth session
Agenda item 83
The rule of law at the national and international levels

Letter dated 15 November 2011 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the General Assembly

We are surprised to learn that a draft resolution entitled "Terrorist attacks on internationally protected persons" (A/66/L.8), which refers to the alleged plot against the Ambassador of the Kingdom of Saudi Arabia in Washington, is proposed under agenda item 118 of the General Assembly. This is an unprecedented move with all its ramifications for the credibility of the United Nations. In this regard, I would like to state the following:

1. By submitting this draft, the sponsor is inviting the General Assembly to consider an unsubstantiated allegation and, as such, it would amount to an unprecedented, thus unacceptable, move. While under Article 10 of the Charter of the United Nations any matter can be considered by the General Assembly, it is evident, however, that placing hypothetical, circumstantial and unsubstantiated matters on the agenda of this august body would be a gross disservice thereto. The case at hand is a clear example in this respect. If the General Assembly allows the submission and consideration of such a draft resolution, this principal organ of the United Nations would run the risk of turning into a venue for settling political scores through the introduction of countless draft resolutions on contentious issues, which should be seriously avoided. Consequently, such an action, if pressed on, would significantly undermine the role, authority, integrity and credibility of the General Assembly as the highest universal political body of the United Nations.

2. Furthermore, by proposing this draft resolution under the agenda item entitled "the United Nations Counter-Terrorism Strategy", the sponsor intends to exploit such an important document, which is the symbol of global consensus against terrorism. Such a politically motivated move would indeed undermine the relevance and credibility of this major consensus document.

3. The United States attitude with regard to the alleged plot, which began with an explosive media campaign against Iran, and its long-standing hostile policies, is not constructive and reveals once again the ill intentions of the former. It is worth mentioning that this Government has supported acts of terrorism against the Islamic Republic of Iran in which many Iranians, including its diplomats, were

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victims of such acts according to existing hard evidence, some of which were presented to the Secretary-General of the United Nations.

4. As I explained in my letters dated 11 October 2011 (A/66/513-S/2011/633) and 4 November 2011 (A/66/546-S/2011/696), my Government categorically rejects the involvement of any of its officials or organs in the alleged plot against the Ambassador of the Kingdom of Saudi Arabia in Washington, as it has been claimed.

5. The Islamic Republic of Iran reaffirms its full commitment to its obligations under the relevant international legal instruments, including the 1973 "Convention on the Prevention of Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents".

6. Member States should be cautious about the adverse consequences of such a move, which is in contradiction to the spirit and letter of the Charter of the United Nations and the 1970 "Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations".

It would be appreciated if the present letter could be circulated as a document of the General Assembly under agenda item 83.

(*Signed*) Mohammad **Khazaee**
Permanent Representative

United Nations A/66/562

General Assembly

Distr.: General
16 November 2011

Original: English

Sixty-sixth session
Agenda item 15
Culture of peace

Letter dated 16 November 2011 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to the attached information, "Uzbekistan — a country of historical tolerance and cultural pluralism" (see annex).

I would highly appreciate if you could circulate the present letter and its annex as a document of the General Assembly under agenda item 15.

Murad **Askarov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 16 November 2011 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Uzbekistan — a country of historical tolerance and cultural pluralism

The first International Day for Tolerance was proclaimed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 16 November 1995. On that date the twenty-eighth session of the UNESCO General Conference, held in Paris, adopted in its resolution 5.61 the Declaration of Principles on Tolerance. The purpose of those Principles, in keeping with the resolve of the UNESCO member States, is to "take all positive measures necessary to promote tolerance" as a cherished principle and a necessity for peace and for the economic and social advancement of all peoples. The solemn proclamation of an annual International Day for Tolerance was enshrined in article 6 of the Declaration.

The Declaration defines tolerance as "respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is harmony in difference. It is not only a moral duty, it is also a political and legal requirement. Tolerance [is] the virtue that … contributes to the replacement of the culture of war by a culture of peace."

Since the early days of independence in Uzbekistan, particular emphasis has been placed on maintaining an atmosphere of peace and harmony in the country. The national Constitution serves as a robust legal guarantee of freedom of religion for members of all faiths, including Islam, Orthodoxy, Judaism, Catholicism and others. The Act on freedom of conscience and religious organizations was adopted early on, during the first years of independence, and is in full compliance with the relevant international law.

Uzbekistan is a secular State, but it is now rightly regarded as one of the centres of Islamic culture and philosophy. It was after our country became independent that the names and legacies of the forefathers of the Uzbek people — Islamic theologians and philosophers — were restored to their previous stature. These include such figures as Imam al-Bukhari, the well-known Muslim theologian and author of the most respected and authoritative Sunni anthology of *hadiths*, entitled *Al-Djami as-Sahih*; and Hakim al-Termezi, a well-known scholar and philosopher and one of the founders of Islamic doctrine. Their writings and work are the subject of systematic study that has promoted the preservation of their tremendous spiritual legacy, which is venerated by Muslims worldwide. The Tashkent Islamic University, founded in 1999 by a decree of President Islam Karimov, is the site of active work in that area. Today, it is the only State institution of higher learning of its kind in all of Central Asia. Some 700 students are enrolled there in the department of Islamic law, economics and natural sciences and the department of the history and philosophy of Islam. In addition, there is a continuing education division, as well as an Islamic Studies Research Centre. Much is being done to develop students' religious awareness and world view, in keeping with the spiritual values of our people. Peace and mutual respect among faiths have always been among those values.

Uzbekistan is distinguished by its unique ethnic diversity. More than 130 ethnic groups and peoples are represented in the Republic, and 16 religious faiths are practised. For this reason, maintaining tolerance has been elevated to the level of State policy since the earliest days of independence. Proceeding from the need to ensure peace and stability in the country, as well as to preserve the historical and philosophical heritage of our multi-ethnic people, President Karimov laid the theoretical foundations for inter-ethnic relations. The concept he developed is designed to protect the equal rights and liberties of all citizens of the Republic, regardless of ethnicity, religion or other distinctions, and to unite them around a single ideology. Experience has borne out this approach. We are proud to say today that people of all ethnicities are afforded every opportunity to study their native language, culture and art, folk crafts, customs and traditions. Newspapers and magazines are published in the languages of the larger ethnic communities, and there are radio and television broadcasts in those languages as well. Seven different languages are used as media of instruction in schools and higher education.

The work of the Republic International Cultural Centre and the ethnic cultural centres shows clearly how the policy of inter-ethnic harmony has been brought to the fore. The first 12 ethnic cultural associations came into existence in 1989, but were able to expand their activities in a real way only when independence was promulgated in Uzbekistan and the Republic International Cultural Centre was organized. For some 20 years now the Centre, established at the initiative of President Islam Karimov in January 1992, has been providing comprehensive practical assistance and support to the ethnic cultural centres and coordinating their activity. There are now upwards of 140 such centres. They have developed into respected community organizations that not only promote the fulfilment of citizens' growing ethnic and cultural needs, but also contribute to harmonizing inter-ethnic relations and strengthen the atmosphere of peace, friendship and harmony.

The Republic International Cultural Centre and the ethnic cultural centres regularly hold numerous and varied programmes, including concerts and other cultural events, national festivals and competitions, conferences and panel discussions, exhibits, lectures, discussions and much more.

The International Day for Tolerance is widely observed in Uzbekistan on 16 November each year, with various events dedicated to inter-ethnic tolerance marking the day. In addition to the ethnic cultural centres, other community and State organizations, colleges and universities and the National UNESCO Affairs Commission of the Cabinet of Ministers are involved in preparing and hosting those events. Tolerance-related issues are also considered at workshops held to mark Constitution Day. The Constitution of the Republic of Uzbekistan serves as a guarantee of inter-ethnic and interfaith tolerance and civil harmony.

This year, the Republic International Cultural Centre is holding the Fourth Republic Festival of Friendship and Culture, entitled "Uzbekistan, Our Common Home", in cooperation with provincial councils and regional ethnic cultural centres, the national arts association *Tasvirii oina* and other State and community organizations.

Since 1995, the Republic International Cultural Centre has published more than a score of books in Uzbek and Russian on issues related to ethnic cultures, the theory and practice of civic unity, tolerance and building inter-ethnic and interfaith harmony. Titles include *The Culture of Inter-Ethnic Relations in the Independent*

Republic of Uzbekistan (1995), *Uzbekistan, Our Common Home* (2001), *Inter-ethnic Harmony and Religious Tolerance as a Factor in Progress* (2003) and others. *Uzbekistan, Country of Tolerance*, a collection of articles by prominent scholars and experts in inter-ethnic relations that was published in 2007, occupies a special place among the Centre's publications.

History offers many examples of people of diverse ethnicities and religions living for centuries like members of a single family. Uzbekistan, for millennia a locus of interaction and coexistence among the most varied ethnicities, religions, cultures and traditions, is one such case, and it is a persuasive one. Not only have various civilizations, including Islamic, Christian, Jewish, Buddhist and others still more ancient, lived in close proximity there since ancient times, they have also complemented and enriched each other. Here in this land, we have seen the global mutual enrichment of world cultures. In independent Uzbekistan, these traditions have found important new avenues for development as a consequence of State policy and Uzbeks' historically respectful attitude towards people of other ethnicities, nationalities and religions.

The international community has more than once recognized that Uzbekistan has extensive experience in achieving mutual understanding among religions and could serve as a role model for other countries. Uzbekistan's wise policy, aimed precisely at such mutual understanding, not only fosters the preservation of an atmosphere of religious tolerance in our country, but also serves to ensure peace and stability in Central Asia as a whole.

United Nations A/66/563

General Assembly

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Sixty-sixth session
Agenda item 134
Proposed programme budget for the biennium 2012-2013

Request for a subvention to the Special Court for Sierra Leone

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 65/259, by which the Assembly, inter alia, took note of the resource requirements of the Special Court for Sierra Leone until its closure, authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed $9,882,594 to supplement the voluntary financial resources of the Court for the period from 1 January to 31 December 2011, and requested the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of that resolution.

It is recalled that, in his letter of 6 October 2010 to the President of the Security Council (S/2010/560), the Secretary-General brought to the attention of the Council the funding difficulties of the Special Court for Sierra Leone corresponding to $18.4 million in shortfall until its closure. The Secretary-General also indicated that should the Council invite him to bring the matter to the attention of the General Assembly with a view to seeking appropriation of funds for the Court, he would do so.

In his response dated 29 October 2010 (S/2010/561), the President of the Security Council informed the Secretary-General that the members of the Council had no objection to the latter's proposal with regard to supplementing voluntary contributions for the Court. He also indicated that it was not expected that there would be additional subventions for the Special Court for Sierra Leone, and that the United Nations Secretariat, the Management Committee, and the Registrar and other senior officials of the Court would intensify their efforts to fund the activities of the Court through voluntary contributions.

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The Secretary-General, in his previous report (A/65/570), indicated that the Court was to complete its work by 29 February 2012. Due to unforeseen circumstances, however, the Court will not be able to complete its mandate by February 2012 and consequently requires additional time and financial support for its activities through July 2012, the anticipated date when the Court will complete its work.

The present report updates the status of the Court's activities and sets out the total level of resources for the Court, including a subvention requested for the period from January through July 2012, estimated at $9,066,400. This reflects an increase of $6,709,650 in subvention over the $2,356,750 previously estimated for the two-month period in 2012.

The approval of a subvention of up to $9,066,400 is sought from the General Assembly for the period from January through July 2012, taking into account that there were no balances in voluntary contributions to the Court as of the end of October 2011.

The amount being sought in the present report would be adjusted should there be future receipt of voluntary contributions to the Court. It is proposed that the requested amount of $9,066,400 be charged against the provision for special political missions for the biennium 2012-2013.

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 65/259, by which the Assembly, inter alia: took note of the resource requirements of the Special Court for Sierra Leone from November 2010 until its closure; authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed $9,882,594 to supplement the voluntary financial resources of the Court for the period from 1 January to 31 December 2011; and requested the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of the same resolution. The present report is submitted also to bring to the attention of the General Assembly the continuing financial constraints faced by the Court, despite the extraordinary efforts of its key donors, including Member States and the Management Committee of the Court, as well the updated timeline for the completion by the Court of its work, and to request an additional subvention for the period from January through July 2012, the anticipated date when the Court will complete its work.

2. It is recalled that following the exchange of letters between the Secretary-General (S/2010/560 and the President of the Security Council (S/2010/561), the former requested a subvention to cover the activities of the Court for the period from 1 November 2010 to 29 February 2012 (A/65/570). The General Assembly, having considered the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/65/603) took note of the funding requirement of the Court, and authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed $9,882,594 to supplement the voluntary financial resources of the Special Court for Sierra Leone for the period from 1 January to 31 December 2011.

3. According to the timeline reported to the Assembly during its sixty-fifth session, the Court was to complete its work by 29 February 2012. However, due to the unforeseen circumstances enumerated below, the Court will not be able to complete its mandate by February 2012 and, consequently, will require additional time and financial support for its activities through July 2012. The present report sets out the total level of financial support required for the period from January through July 2012, estimated at $9,066,400, and the anticipated date when the Court will complete its work. The level of support being sought for 2012 amounts to $9,066,400, and is higher by $6,709,650 than the $2,356,750 previously estimated for the two-month period in 2012.

II. Historical background

4. The Security Council, by its resolution 1315 (2000), requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone with a view to creating an independent special court with the primary objective of prosecuting persons who bore the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone.

5. In previous reports (S/2000/915, para. 71, and S/2001/40, para. 11), the Secretary-General expressed the view that the only realistic solution was for the Special Court to be financed from assessed contributions, as that would produce a viable and sustainable financial mechanism affording secure and continuous funding. In his letter to the Secretary-General dated 22 December 2000 (S/2000/1234), the President of the Security Council reiterated the support of the Council for its resolution 1315 (2000), under which the Special Court would be funded through voluntary contributions. It was, however, understood by the Security Council that the Secretary-General would not be expected to create any institution for which he did not have adequate funds in hand for at least 12 months and pledges to cover expenses for a second year of the Court's operation.

6. Consequently, after sufficient funds had been received and substantial amounts pledged for that purpose, on 16 January 2002 the United Nations Legal Counsel and the Attorney-General of Sierra Leone signed the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (S/2002/246 and Corr.2 and 3, appendix II).

7. Article 6 of the Agreement stipulates that "should voluntary contributions be insufficient for the Court to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Special Court".

8. At various points during 2010, the Court again experienced financial crises. Only through the extraordinary efforts of its key donors, and in particular the Management Committee, was the Court able to continue the Taylor trial without disruption. The Member States of the Court's Management Committee not only made additional contributions of their own funds and encouraged other Governments to donate, but also requested the Secretary-General to seek a subvention from the United Nations. Following its consideration of the report of the Secretary-General, the General Assembly, as an exceptional measure, approved $9,882,594 to cover the resource requirements of the Court for the period from 1 January to 31 December 2011 to supplement the voluntary financial resources of the Court.

9. Of this amount, $8,525,800 was to be used in 2011, and the remaining amount of $1,356,800 was to be surrendered in the context of the second performance report of the Court for the biennium 2010-2011.

10. Also in the past, the General Assembly approved subvention grants to the Court. In 2004, as outlined in the exchange of letters between the Secretary-General and the President of the Security Council (S/2004/182 and S/2004/183), problems arose during the Court's second year of operation from the lack of voluntary contributions. The Secretary-General informed the Council of the Court's difficulties with regard to its third year budget and advised that the matter be brought to the attention of the General Assembly. The Secretary-General then submitted a request for a subvention of up to $40 million to the General Assembly (see A/58/733). In its resolution 58/284, the General Assembly, inter alia, authorized, as an exceptional measure, a subvention in an amount not to exceed $16.7 million for the period from 1 July to 31 December 2004, on the understanding that any regular budget funds appropriated for the Court would be refunded to the United Nations at the time of liquidation of the Court should sufficient voluntary contributions be received. The commitment authority was not utilized and was subsequently surrendered.

11. In a subsequent report of the Secretary-General (A/59/534/Add.2), a request was made for an appropriation in the amount of $20 million with effect from 1 January to 30 June 2005. In its resolution 59/276, the Assembly, inter alia, authorized the Secretary-General to enter into commitments in an amount not to exceed $20 million to supplement the financial resources of the Court with effect from 1 January to 30 June 2005. In view of the anticipated full utilization of the $20 million commitment authority approved in resolution 59/276, the Secretary-General sought an additional subvention of $13 million for the period from 1 July to 31 December 2005 (see A/59/534/Add.4). The Assembly, in its resolution 59/294, inter alia, authorized the appropriation of $20 million of the previously approved commitment authority, and a further commitment authority in the amount of $13 million. In reporting on the utilization of the commitment authority in the context of the second performance report on the programme budget for the biennium 2004-2005 (see A/60/572/Add.1), the Secretary-General advised the General Assembly that the full $13 million commitment authority would not be required and in lieu a provision of only $11.2 million would be required as an appropriation. In Assembly resolution 60/245 A on the final appropriations for the biennium 2004-2005, the provision of $11.2 million was appropriated. It should be noted that, as indicated in the report of the Secretary-General (A/61/593/Add.1), in accordance with financial regulation 5.3 of the Financial Regulations and Rules of the United Nations, it was anticipated that, of the $11.2 million appropriation, an estimated unspent balance of $2,401,326.95 would be surrendered under the programme budget as at 31 December 2006. However, based on actual expenditure, an amount of $3,286,505.63 was surrendered at 31 December 2006.

III. Progress to date

12. The Special Court has made significant progress in achieving its mandate. Three trials involving eight accused persons have been completed in Freetown.[1] The Court is now in its completion phase and is thus preparing for its transition to the Residual Special Court for Sierra Leone. In its last trial, the *Prosecutor v. Charles Ghankay Taylor*, Trial Chamber II accepted written briefs and heard oral pleadings under Rule 86 of the Rules of Procedure and Evidence in February and March 2011, with the final day of closing arguments taking place on 11 March 2011. The Trial Chamber expects to issue a Judgement on the merits by December 2011.

13. The approved June 2010 Completion Strategy projected the completion of all trials and appeals by February 2012. However, the June 2010 Completion Strategy relied on the expectation that evidentiary proceedings in the Taylor trial would conclude in October 2010 and closing arguments would be made in December 2010. According to that time frame, a Judgement on the merits was expected in June 2011, with a Sentencing Judgement (if any) in August 2011 and an Appeals Judgement (if applicable) in February 2012. However, unforeseen developments in the Taylor judicial proceedings resulted in a shift in the milestones projected by the June 2010 Completion Strategy. At the time the Strategy was approved, the Court could not

[1] The *Prosecutor v. Fofana and Kondewa* (the Civil Defence Forces case), the *Prosecutor v. Sesay, Kallon and Gbao* (the Revolutionary United Front case) and the *Prosecutor v. Brima, Kamara and Kanu* (the Armed Forces Revolutionary Council case). The eight persons convicted by the Special Court are now serving their sentences in Mpagna Prison in Rwanda.

have predicted the number of witnesses, including rebuttal witnesses, or the length of witness testimony. Owing to lengthy examination in chief and cross-examination of defence witnesses, as well as the examination of rebuttal witnesses under Rule 85 of the Rules of Procedure and Evidence, the evidentiary proceedings did not conclude until November 2010, marking the first shift in the projected milestones. Consequently, the Chamber ordered that closing arguments would take place on 8 February 2011.

14. Further developments which could not have been foreseen at the time the June 2010 Completion Strategy was approved included the late filing by the defence of the closing trial brief and various ensuing motions related to the Trial Chamber's majority decision not to accept the late trial brief. The adjudication of various defence motions further affected the date of closing arguments, resulting in additional delay. Consequently, the defence presented its closing arguments on 8 and 9 March 2011, two and a half months later than what was projected in the approved Completion Strategy. Closing arguments ended on 11 March 2011. All of these complications made it impossible to meet the milestones previously projected for the Judgement on the merits and any subsequent judgements that may have been applicable.

15. The aforementioned developments and unexpected judicial events impacted the previously established judicial milestones. These changes prompted the Special Court judges at the 15th Plenary, held in May 2011, to review the June 2010 Completion Strategy and establish new milestones. As mentioned above, closing arguments in the Taylor trial did not conclude in December 2010, as projected in the approved Completion Strategy, but on 11 March 2011. Consequently, Trial Chamber II expects to issue a Judgement on the merits in December 2011, rather than the previously anticipated June 2011 milestone, and a Sentencing Judgement (if any) would follow six to eight weeks later, approximately. Based on the new milestones and the expectation that an appeal proceeding will likely take six months starting from the delivery of a Sentencing Judgement, an Appeals Judgement (if applicable and marking the end of all proceedings) is now projected for July 2012, rather than February 2012. A prospective Appellate Judgement, however, is also subject to a number of highly probable delays, such as requests by the parties for extensions of time to file submissions and motions proposing additional evidence under Rule 115.

16. In addition, two unforeseen contempt cases, *Independent Counsel v. Senessie* and *Independent Counsel v. Bangura et. al.*, are ongoing before the Special Court. On 24 May 2011, by Orders in lieu of Indictments, Trial Chamber II charged five persons with contempt of the Special Court. Of the five accused persons convicted by the Special Court, two are currently serving their sentences in Mpanga Prison in Rwanda. On 15 July 2011, the initial appearances of all accused occurred in Freetown before Justice Teresa Doherty. The two convicted persons in Rwanda appeared via videoteleconference connecting the courtroom in Freetown to the videoteleconference facilities of the International Criminal Tribunal for Rwanda in Kigali. As four of the five accused pleaded not guilty to charges contained in the Orders in lieu of Indictments, the Court will move forward with trial. Videoteleconference remains an option for the trial proceedings in Bangura, but the Court is also exploring the possibility of conducting the Bangura trial on site in Rwanda, which would require movement of Court staff, counsel, the sitting judge and witnesses. Towards this end, the Court is in close contact with the International

Criminal Tribunal for Rwanda and the relevant Rwandan authorities. The contempt trials will be conducted in parallel with the ongoing Taylor proceedings.

17. As discussed in detail below, the Court has also made significant progress in preparing for its transition to the Residual Special Court for Sierra Leone. In August 2010, the United Nations and the Government of Sierra Leone signed an Agreement on the Establishment of a Residual Special Court for Sierra Leone, and the Registry is currently working with the United Nations Office of Legal Affairs, the Management Committee, the Government of Sierra Leone, the Government of the Netherlands and other stakeholders on the legal, financial and technical aspects of the establishment of the Residual Special Court for Sierra Leone. The Registry has also prepared the preliminary budget of the Residual Special Court for its set-up and first year of operation. As also detailed below, the Court has also commenced the liquidation of its remaining assets by transferring such assets to the Government of Sierra Leone.

IV. Financial position

18. As of 30 June 2011, the Special Court's fund balance of unrestricted contributions was $527,375. From 1 January to 30 June 2011, the Management Committee and senior officials of the Court engaged in fund-raising activities, the result of which secured $4,815,934. The shift in milestones mentioned in paragraphs 14 to 16 of the present report had budgetary implications that necessitated the revision of the 2011 and 2012 budgets. The previous approved budget for 2011 was forecast at $12,290,500. However, owing to the unforeseen shifts in milestones, the revised approved 2011 budget of the Special Court has increased by $3,722,900. Therefore, a total of $16,013,400 is now required for operations in 2011, which is adequately covered by the approved subvention and total voluntary contributions received for 2011.

19. The previous approved budget for 2012 was $2,356,750. The revised approved budget for 2012 is $9,066,400, which represents an increase of $6,709,650 over the previously approved amount. However, despite continued fund-raising efforts, the Special Court does not have any pledges or contributions for 2012.

20. The Court understands that any subvention grant approved by the General Assembly would be disbursed by the United Nations to the Special Court on an incremental basis through the mechanism of the Controller effecting transfers to the Registrar. The Registrar, as an appointee of the Secretary-General, would be required, in this regard, to provide the Controller with monthly statements of all expenditures and income of the Special Court. The existing arrangements whereby the Court contracts with the Office of Internal Oversight Services for internal audits, and with the Auditor-General of South Africa for external audit services, would remain in place.

21. Information on resource requirements by component and object of expenditure and the staffing requirements of the Special Court are set out in annexes I through III to the present report.

V. Residual and legacy activities

A. Residual activities

22. After the closure of the Court in 2012, a residual mechanism — the Residual Special Court for Sierra Leone — will manage the residual functions of the Court. In August 2010, the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone was finalized. The Statute of the Residual Special Court enumerates the residual functions and also guarantees continuity of the Court's jurisdiction, rights and obligations. In coordination with the Management Committee, the Office of Legal Affairs and other relevant stakeholders, the Court's Registry is managing the legal, budgetary and logistical tasks that are an integral part of the set-up of the Residual Special Court for Sierra Leone and the effective transition of the Court to the residual mechanism in 2012.

23. The residual functions can be broadly divided into two categories: "ongoing functions", requiring day-to-day management, and "ad hoc functions", which may be required from time to time, or may, in practice, never be required at all. The Residual Special Court will carry out the following residual functions: maintenance, preservation and management of the Court's archives; continued provision of protection and support to witnesses and victims; provision of assistance to national prosecution authorities by managing requests for evidence and information; adjudication of contempt proceedings; supervision of the enforcement of prison sentences; review of convictions and acquittals; provision of defence counsel and legal aid for proceedings before the Residual Special Court; management of requests from national authorities with respect to claims for compensation; and prevention of double jeopardy. The Residual Special Court shall also have the power to prosecute the remaining fugitive, Johnny Paul Koroma, if his case is not referred to a competent national jurisdiction.

24. Pursuant to article 6 of the Residual Special Court for Sierra Leone Agreement, the Residual Special Court shall carry out its functions at an interim seat in the Hague, with a branch or sub-office in Freetown for witness protection and support and coordination of defence issues, until such time as the United Nations and the Government of Sierra Leone agree otherwise. In both locations, the Residual Special Court will share an administrative platform with another organization. In the Hague, the Court has entered into negotiations with three institutions in contemplation of sharing space. In Freetown, the Court is investigating the possibility of sharing an administrative platform with a United Nations agency. The host institution would provide such key services as office space, security, procurement, finance, information technology and facilities management.

25. Ongoing functions will be managed by the personnel in both offices. If any of the ad hoc functions trigger, all the necessary arrangements will be made to convene the Residual Special Court. Pursuant to article 15 of the Residual Special Court for Sierra Leone Statute, the Secretary-General, in consultation with the President of the Residual Special Court for Sierra Leone, shall appoint a Registrar. The Registrar shall be based permanently at the seat of the Residual Special Court and shall be responsible for the administration of the Residual Special Court and all financial resources. The Residual Special Court shall consist of seven permanent staff: four in

the Hague (Registrar, Prosecution Legal Adviser/Evidence Officer, Information/Archiving Officer and Office Manager) and three in Freetown (two Witness Protection and Support Officers and one Defence Officer). In addition, articles 11 to 14 of the Residual Special Court Statute provide for remote personnel to be remunerated on a solely pro rata basis. Such personnel would include a roster of judges, President, Prosecutor and Trial Chambers staff.

26. The Residual Special Court shall also have an oversight committee to assist in obtaining adequate funding and to provide advice and policy direction on all non-judicial aspects of its operations. The oversight committee shall consist of the United Nations, the Government of Sierra Leone and significant contributors to the Residual Special Court. The expenses of the Residual Special Court shall be borne by voluntary contributions.

27. Rather than recruit additional staff or consultants to effect the set-up and transition to the Residual Special Court, the legal, technical and logistical work required to ensure the establishment of the Residual Special Court and its transition to the residual mechanism in July 2012, is being done by existing personnel, in addition to their regular duties.

Transfer of Johnny Paul Koroma Case (indictee at large)

28. The Court has one fugitive indictee at large, Johnny Paul Koroma. The Prosecutor is currently negotiating the transfer of the Koroma case to a State that has jurisdiction and is willing and adequately prepared to accept the case.

Archiving

29. The Court is making all efforts to complete its mandate in a timely fashion in order to facilitate a smooth transfer of its facilities to the Government of Sierra Leone and an expeditious transition to the Residual Special Court for Sierra Leone. The Court successfully relocated its evidence and the original set of the records of the three completed trials to the Hague in December 2010 with the assistance of the Government of the Netherlands. The records are housed in the Dutch National Archive. Court personnel in Freetown and the Hague sub-offices are now working towards two critical milestones. First, the preparation of two sets of the Special Court archives, one (the original records) which will be located with the Residual Special Court, and the other (copies of the original public records) which will be transferred to the Government of Sierra Leone in accordance with article 7 of the Residual Special Court Agreement. Second, in accordance with article 7 of the Residual Special Court Statute, stating that electronic access to, and printed copies of, the public archives shall be available to the public in Sierra Leone, the preparation of the copy of the set of public records for the Government of Sierra Leone is ongoing in Freetown and is supported by the Court Management Section (paper records) and staff from the Communications and Information Technology Unit (electronic records). The digitization of all the audio-visual records of the completed trials is ongoing, and the task is managed by existing personnel in addition to their regular duties. Also, in preparation for the transition of the Special Court to the Residual Special Court, the Registry, in coordination with the Office of Legal Affairs and the other organs of the Special Court, is coordinating the preparation of the information, security and access polices for the archives of the Residual Special Court archives.

Witness protection

30. It is important to note that the majority of witnesses who testified before the Special Court live in Sierra Leone. Therefore, the Court continues to pursue the establishment of a national witness protection unit within the Sierra Leone Police. This unit will serve as an effective and reliable mechanism to assist the Court and meet its long-term post-trial statutory obligations towards witnesses. It will also provide protection and assistance to witnesses in national cases involving organized crime, corruption and gender-based violence, and wherever else appropriate. In addition, the Court has worked closely with the Sierra Leone Police on a number of cases requiring witness protection services. This has provided further practical experience for the Sierra Leone Police Officers trained in 2009 as part of the Court's residual and legacy activities.

B. Legacy activities

31. Legacy activities of the Special Court include the establishment of a Peace Museum and a Virtual Tribunal.

Peace Museum

32. The Peace Museum project began in March 2011 and will establish a Peace Museum on the site of the Special Court. The Museum was originally proposed by the Government of Sierra Leone in 2009 as one of the future uses of the site, and will be housed in the Special Court Security Building. It will consist of an exhibition narrating the history of the conflict in Sierra Leone and the efforts made to bring about peace; a memorial to honour the suffering of the war's victims; and an archive of war and peace-related materials. The archive will include a set of the Special Court's public records, the archives of the Truth and Reconciliation Commission and those of the National Commission for Disarmament, Demobilization and Reintegration, among other relevant records. The Museum will be an excellent historical resource on Sierra Leone's conflict and peace process.

33. The project is funded by the United Nations Peacebuilding Fund and is overseen by the Office of the United Nations High Commissioner for Human Rights. The Special Court is responsible for the implementation of the project. However, as the Peace Museum will be an independent national institution, the role of the Special Court is limited to coordinating the design of the Museum. Decisions about the Museum's content and management are being made by a committee of relevant national stakeholders, including the Office of the Attorney General, the Human Rights Commission and other representatives of the Government of Sierra Leone, independent national organizations and members of civil society. By placing responsibility for its design with these national bodies, the Museum will be a truly Sierra Leonean institution and a fitting legacy of the Special Court.

Virtual tribunal

34. The Special Court is exploring the possibility of collaborating with the University of California at Berkeley to create a "virtual tribunal" for the Special Court for Sierra Leone. The virtual tribunal aims to make available in real time the video record of trials, trial transcripts and documentation, interviews and commentary. The Special Court will be one of the virtual tribunal's pilot collections

and will feature the Court's records and trial footage. Through web-based availability of the collection, in addition to virtual tribunal "learning centres" in key Sierra Leonean locations, such as schools and universities or even the Peace Museum, the project will hopefully make the legacy of the Special Court accessible to a wide audience. The Special Court is currently in negotiations with the University of California at Berkeley regarding the drafting of a memorandum of understanding.

C. Liquidation of the Court's assets

35. Article 12 of the Residual Special Court Agreement, which governs the Practical Arrangements, states that

> "appropriate arrangements shall be made to ensure that there is a coordinated transition from the activities of the Special Court to the activities of the Residual Special Court. Priority shall be given to the needs of the Residual Special Court in the liquidation of the assets of the Special Court, after which the assets shall be disposed of to the Government of Sierra Leone in accordance with the liquidation policy of the Special Court".

36. The Court has made significant progress in its liquidation. The Management Committee approved the Court's liquidation policy in June 2010 and an addendum to the liquidation policy in February 2011. Since then, the Court has concluded identification and verification of assets. The 2010 audits of accounts and assets, conducted by the Auditor-General of South Africa and the Office of Internal Oversight Services, are now complete. In 2009, following the transfer of persons convicted by the Special Court to serve their sentences in Rwanda, the Court transferred its detention facility to the National Prison Service to house female inmates. With the departure of the United Nations Mongolian Guard Force and the drastic downsizing of personnel that has taken place in the past two years, the Court is now occupying only one third of the original site. Two thirds of the site has been vacated to be transferred to the Government of Sierra Leone. As a result, the Court's fuel consumption has decreased by approximately two thirds. Witness safe houses in Freetown, Liberia and the Hague have been closed. The Court is working with the Government of Sierra Leone and other stakeholders to convert the Security Building to a Peace Museum, which will likely house the Court's library and the copy set of its archives that will remain in Sierra Leone. Nevertheless, a small part of the Court site will be needed until the delivery of the Appeals Judgement in the Taylor trial in order to provide administrative and operational support to the parties and the Chambers as required; to respond to post-testimony witness protection needs and to assist in setting up the residual witness protection unit; and to meet the Security Council resolution requirement of making the Taylor trial accessible to the subregion. The site can now be shared with the Government of Sierra Leone, with the Special Court's skeletal staff remaining in the judicial and legal services division and the administrative secretariat. A phased liquidation of the Court's moveable assets, not needed for current operations, is in progress.

VI. Conclusion and recommendation

37. **The Secretary-General seeks the approval of the General Assembly for funding of up to $9,066,400 for the Special Court for Sierra Leone to enable it to complete its mandate.**

38. **Should the General Assembly decide to approve such support for the Special Court, the Assembly may wish:**

(a) **To approve a subvention in the amount of $9,066,400 for the period from 1 January through 31 July 2012 for the Special Court for Sierra Leone, to be charged against the provisions for special political missions under section 3, Political affairs, of the proposed programme budget for the biennium 2012-2013;**

(b) **To request the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the subvention during the biennium 2012-2013 and the status of voluntary contributions for the Special Court.**

Annex I

Availability of funds for the Special Court for Sierra Leone as at 31 October 2011 and expenditures as at 31 October 2011

(United States dollars)

A. Income as at 31 October 2011	Total
Cash balance brought forward as at 1 January 2011	2 671 664
Contribution received from 1 January to 31 October 2011	4 815 934
Contributions anticipated and pledges November to December 2011	—
Restricted contribution	—
Subvention received/used	8 525 802
Subtotal (A)	**16 013 400**

B. Expenditure as at 31 October 2011

Current year	*Disbursement*	*Obligation*	*Total expenditure*
January	898 326	726 155	1 624 481
February	1 007 929	313 159	1 321 088
March	1 207 314	(20 114)	1 187 200
April	881 392	(3 188)	878 204
May	996 360	96 383	1 092 743
June	1 293 762	37 293	1 331 055
July	1 101 282	(166 293)	934 989
August	1 005 337	4 497	1 009 834
September	1 103 785	67 099	1 170 884
October	1 364 585	64 970	1 429 555
Subtotal (B)	**10 860 072**	**1 119 961**	**11 980 033**

Annex II

Requirements by component and object of expenditure

Table 1
Requirements by component
(United States dollars)

Component	*Actual expenditure (1 November-31 December 2010)*	*Previously estimated requirements (1 January-31 December 2011)*	*Revised estimated requirements (1 January-31 December 2011)*	*Estimated requirements (1 January-31 July 2012)*	*Total budget*
	a	*b*	*c*	*d*	*e = (a+c+d)*
1. The Chambers	314 820	2 916 256	3 223 000	1 579 800	5 117 620
2. The Office of the Prosecutor	45 052	1 829 200	2 056 600	1 038 700	3 140 352
3. The Registry	4 547 419	7 545 044	9 971 300	6 016 200	20 534 919
4. Contingency			762 500	431 700	1 194 200
Total	**4 907 291**	**12 290 500**	**16 013 400**	**9 066 400**	**29 987 091**
Less pledges and contributions	(5 088 405)	(1 233 045)	(4 815 934)	—	—
Less available cash as at 1 January 2011			(2 671 664)		
Less amount of subvention used	—		(8 525 802)		—
Total	**(181 114)**	**11 057 455**	**—**	**9 066 400**	**29 987 091**

Table 2
Requirements by object of expenditure
(United States dollars)

Object of expenditure	*Actual expenditure (1 November-31 December 2010)*	*Previously estimated requirements (1 January-31 December 2011)*	*Revised estimated requirements (1 January-31 December 2011)*	*Estimated requirements (1 January-31 July 2012)*	*Total budget*
	a	*b*	*c*	*d*	*e = (a+c+d)*
Posts (gross)	1 869 650	6 513 400	7 373 800	4 466 900	13 710 350
Temporary posts	254 374	354 200	763 700	444 200	1 462 274
Compensation to judges	314 820	2 006 600	2 024 800	943 800	3 283 420
Consultants and experts	69 321	74 700	326 400	104 400	500 121
Witness costs	65 192	—	50 000	20 900	136 092
Travel of witnesses	75 291	—	7 500	2 500	85 291
Travel	74 402	213 600	469 900	170 400	714 702
Contractual services	618 400	971 000	1 160 400	815 500	2 594 300
General operating expenses	450 010	1 421 300	1 736 000	1 249 000	3 435 010
Hospitality and outreach	344	44 400	46 400	33 100	79 844
Supplies and materials	389 284	496 300	631 200	284 000	1 304 484

Object of expenditure	*Actual expenditure (1 November-31 December 2010)* a	*Previously estimated requirements (1 January-31 December 2011)* b	*Revised estimated requirements (1 January-31 December 2011)* c	*Estimated requirements (1 January-31 July 2012)* d	*Total budget* e = (a+c+d)
Acquisition of furniture and equipment	26 203	45 000	510 800	—	537 003
Tax liability	700 000	150 000	150 000	100 000	950 000
Contingency	—		762 500	431 700	1 194 200
Total	**4 907 291**	**12 290 500**	**16 013 400**	**9 066 400**	**29 987 091**
Less pledges and contributions	(5 088 405)	(1 233 045)	(4 815 934)	—	—
Less available cash as at 1 January 2011			(2 671 664)		
Less subvention used/sought	—		(8 525 802)		—
Total	**(181 114)**	**11 057 455**	**—**	**9 066 400**	**29 987 091**

Annex III

Post requirements and drawdown staffing plan

Table 1
Post requirements as at 1 November 2011

Category	
Professional and above	
Judges (USG level)	9
USG	1
ASG	2
D-2	1
D-1	2
P-5	3
P-4	10
P-3	22
P-2/1	14
Subtotal	**64**
General Service and other	
Principal level	—
Local level	25
Field Service	8
National Professional Officer	14
Subtotal	**47**
Total	**111**

Table 2
Post requirements and drawdown (November 2010-July 2012)

	Professional category and above									*General Service and related categories*			*National staff*		
	USG	*ASG*	*D-2*	*D-1*	*P-5*	*P-4*	*P-3*	*P-2/ P-1*	***Subtotal***	*Field/ Security Service*	*General Service*	***Total international***	*National Professional Officer*	*Local level*	***Total***
1 November to 31 December 2010	10	2	1	2	3	10	22	14	**64**	8	—	**72**	14	25	**111**
1 to 31 January 2011	10	1	1	2	3	9	20	14	**60**	8	—	**68**	16	18	**102**
1 to 28 February 2011	10	1	1	2	3	9	19	14	**59**	8	—	**67**	16	18	**101**
1 to 31 March 2011	10	1	1	2	3	9	18	14	**58**	8	—	**66**	16	18	**100**
1 April to 30 June 2011	10	1	1	2	3	9	18	14	**58**	8	—	**66**	15	14	**95**
1 to 31 August 2011	11	1	1	2	3	9	18	13	**58**	8	—	**66**	15	12	**93**
1 to 31 October 2011	11	1	1	2	3	9	17	13	**57**	4	—	**61**	14	12	**87**
1 November to 31 December 2011	7	1	1	2	3	7	15	10	**46**	2	—	**48**	10	8	**66**
1 January to 29 February 2012	7	1	1	2	3	7	15	11	**47**	7	—	**54**	15	19	**88**
1 to 31 March 2012	7	1	1	2	3	7	15	11	**47**	4	—	**51**	15	19	**85**
1 to 30 April 2012	7	1	0	1	2	5	14	10	**40**	4	—	**44**	15	18	**77**
1 May to 31 July 2012	7	1	0	1	2	5	14	10	**40**	4	—	**44**	14	17	**75**